

# HOUSE BILL No. 1479

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-1-12; IC 4-6-2-13; IC 6-3-2-26.

**Synopsis:** Application of federal Affordable Care Act. Prohibits certain state actions related to enforcement or implementation of the federal Patient Protection and Affordable Care Act (PPACA). Requires the attorney general to file a civil action for injunctive relief in certain circumstances. Requires a tax deduction for taxpayers paying a penalty in relation to PPACA. Repeals a provision concerning application for a state innovation waiver under PPACA.

**Effective:** Upon passage; January 1, 2015 (retroactive).

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**Harman, Nisly, Smaltz**

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January 14, 2015, read first time and referred to Committee on Ways and Means.

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First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1479

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 4-1-12-4 IS REPEALED [EFFECTIVE UPON  
2 PASSAGE]. ~~Sec. 4. The office of the secretary of family and social~~  
3 ~~services and the department of insurance:~~

4 ~~(1) shall investigate; and~~

5 ~~(2) may apply for a waiver under;~~

6 ~~42 U.S.C. 18052 of the Patient Protection and Affordable Care Act.~~

7 SECTION 2. IC 4-1-12-5 IS ADDED TO THE INDIANA CODE  
8 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
9 UPON PASSAGE]: **Sec. 5. (a) Notwithstanding any other law**  
10 **except:**

11 **(1) a state law implementing the Indiana check-up plan**  
12 **established by IC 12-15-44.2-3 and in effect on December 1,**  
13 **2014; and**

14 **(2) a state law providing for state regulation of navigators (as**  
15 **defined in IC 27-19-2-12);**



an agency, officer, or employee of the state shall not, acting on behalf of the state, engage in an activity that aids any person in the enforcement of the Patient Protection and Affordable Care Act.

(b) Notwithstanding any other law except:

(1) a state law implementing the Indiana check-up plan established by IC 12-15-44.2-3 and in effect on December 1, 2014; and

(2) a state law providing for state regulation of navigators (as defined in IC 27-19-2-12);

an agency, a department, or other state entity, including the family and social services administration and the state department of health, shall not authorize an employee, a contractor, a vendor, or another person acting on behalf of the state to conduct or participate in an involuntary maternal, infant, and early childhood in-home visitation under:

(1) Section 2951 of the Patient Protection and Affordable Care Act, as amended; or

(2) any subsequent federal law that refers to an entity or a process established under the Patient Protection and Affordable Care Act.

SECTION 3. IC 4-1-12-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) As used in this section, "exchange" means an American health benefit exchange established by a state or political subdivision of a state under the Patient Protection and Affordable Care Act.

(b) The state and political subdivisions of the state, including counties, municipalities, and special purpose districts, shall not do the following:

(1) Establish an exchange for the purchase of a health plan.

(2) Participate in or purchase a health plan from an exchange established by a nonprofit organization.

(c) A health plan that is purchased or established in violation of this section is void and must not be enforced by the courts of this state.

SECTION 4. IC 4-6-2-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) As used in this section, "PPACA" refers to the Patient Protection and Affordable Care Act (as defined in IC 4-1-12-1).

(b) If the attorney general has reasonable cause to believe that:

(1) a person is harmed by implementation of PPACA; and



(2) proceedings would be in the public interest;  
the attorney general may bring a civil action for injunctive relief  
against the person causing the harm to refrain from the  
implementation.

(c) If the attorney general determines, in writing, that the  
following protections and purposes are not substantially impaired  
by a delay in bringing a civil action under subsection (b), the  
attorney general shall, at least three (3) days before instituting the  
legal proceeding, give notice to the person against whom the  
proceeding is contemplated and give the person an opportunity to  
present reasons why a proceeding should not be instituted:

(1) The Tenth Amendment to the Constitution of the United  
States provides that the federal government is authorized to  
exercise only those powers delegated to it in the Constitution  
of the United States.

(2) Article VI, Clause 2 of the Constitution of the United  
States provides that laws of the United States are the supreme  
law of the land provided that they are made in pursuance of  
the powers delegated to the federal government in the  
Constitution of the United States.

(3) It is the stated policy of the general assembly that  
provisions of PPACA grossly exceed the powers delegated to  
the federal government in the Constitution of the United  
States.

(4) The provisions of PPACA that exceed the limited powers  
granted to the Congress by the Constitution of the United  
States, cannot and should not be considered the supreme law  
of the land.

(5) The general assembly has the absolute and sovereign  
authority to interpose and refuse to enforce the provisions of  
PPACA that exceed the authority of the Congress.

(6) The Fourteenth Amendment to the Constitution of the  
United States provides that the people are to be free from  
deprivation of life, liberty, or property, without due process  
of law.

(d) If a court issues a permanent injunction in connection with  
an action filed under this section, the court shall award reasonable  
costs to the state.

SECTION 5. IC 6-3-2-26 IS ADDED TO THE INDIANA CODE  
AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
JANUARY 1, 2015 (RETROACTIVE)]: **Sec. 26. (a) This section  
applies to taxable years ending after December 31, 2014.**



1       (b) As used in this section, "qualified federal tax liability"  
2 means any liability to pay a tax or penalty imposed under Section  
3 5000A of the Internal Revenue Code for failing to maintain  
4 minimum essential coverage (as defined by Section 5000A(f) of the  
5 Internal Revenue Code).

6       (c) A resident individual taxpayer is entitled to a deduction from  
7 the taxpayer's adjusted gross income for a particular taxable year  
8 if the taxpayer pays a qualified federal tax liability during the  
9 taxable year.

10       (d) The amount of the deduction to which a taxpayer is entitled  
11 in a particular taxable year is equal to the amount of qualified  
12 federal tax liability that the taxpayer pays during the taxable year.

13       (e) To obtain the deduction provided by this section, the  
14 taxpayer must file with the department proof of the taxpayer's  
15 payment of a qualified federal tax liability.

16       SECTION 6. An emergency is declared for this act.

